

JAN 22 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES EDWARD ADAMIC,

Defendant - Appellant.

No. 06-10558

D.C. No. CR-02-00430-FCD

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Frank C. Damrell, Jr., District Judge, Presiding

Submitted January 14, 2008^{**}

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

James Edward Adamic appeals from the district court's order denying his motion to modify his conditions of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Adamic contends that the special condition of probation that prevents him from possessing or using a computer with any “on-line computer service” was not contemplated in his plea agreement and that the condition is excessive and unreasonable. Because this court previously concluded that Adamic’s challenge to his conditions of supervised release was foreclosed by his valid appeal waiver, Adamic’s contention is precluded under the law of the case doctrine. *See United States v. Scrivner*, 189 F.3d 825, 827-28 (9th Cir. 1999).

AFFIRMED.